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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT PAPER NUMBER

2145

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,571

Applicant(s)

AVERY LI-CHUN WANG

Examiner

Azizul Choudhury

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-47 and 49-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-47 and 49-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

This office action is in response to the correspondence received on August 16, 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gokcen et al (US Pat No: US005125024A), hereafter referred to as Gokcen.

1. With regards to claim 35, Gokcen teaches a method for providing a transaction to a user exposed to a media stream, the method comprising the steps of: receiving a signal including a captured sample of a media stream from the user, said media stream comprising music; determining from the signal a characteristic of the captured sample; and triggering a predetermined transaction with the user in response to the determined characteristic.

(Gokcen discloses a design for a voice (media) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (equivalent to the claimed predetermined transaction) (column 5, lines 8-68, Gokcen). As for the media comprising music, official notice is hereby taken that it is obvious to one skilled in the art that since voice (an audible

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signal) is decipherable by Gokcen's design, that music (an audible signal) can also be decipherable by Gokcen's design, for the purpose of recognizing (audible) customer commands (claim 1, Gokcen)).

2. With regards to claim 36, Gokcen teaches the method, wherein the predetermined transaction includes sales and purchase of merchandise (Gokcen's design allows a user to place orders within a store through verbal commands (column 5, lines 39-68, Gokcen)).

3. With regards to claim 37, Gokcen teaches the method wherein the predetermined transaction includes an offer for sale of merchandise (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen)).

4. With regards to claim 38, Gokcen teaches the method wherein the offer for sale of merchandise includes an offer to sell recordings of music (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen), hence means are present by which to make particular offers).

5. With regards to claim 39, Gokcen teaches the method wherein the recording is related to a characteristic of the captured sample (Gokcen's design allows for a user to

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place orders through verbal commands (column 5, lines 39-68, Gokcen). The design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen), hence means are present by which to make particular offers. The information (recording) is provided to the customer based on customer feedback provided through customer voice commands. Hence, the recording is related to a characteristic of the captured sample (voice command)).

6. With regards to claim 40, Gokcen teaches the method wherein the predetermined transaction includes furnishing and receiving information (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user).

7. With regards to claim 41, Gokcen teaches the method wherein the predetermined transaction includes delivery of advertising or promotional offers (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen)).

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8. With regards to claim 42, Gokcen teaches the method wherein the promotional offers include free trials (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible).

9. With regards to claim 43, Gokcen teaches the method wherein the promotional offers includes offers to sell merchandise or services at discounted prices (Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible).

10. With regards to claim 44, Gokcen teaches the method wherein the predetermined transaction includes an exchange of information between a sales source and the user attendant to a sale of merchandise or services to a user (Gokcen's design allows for a user to place an order (column 5, lines 8-19, Gokcen). If an order is to be placed, it is

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inherent that an exchange of information between a sales source and the user attendant to a sale occur, as claimed).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gokcen in view of Pocock (US Pat No: US005661787A).

11. With regards to claim 45, Gokcen teaches through Pocock, the method wherein the offer is selected in response to a profile to the user

(Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are placed as to what type of inform-content (offers) is permissible). However, no disclosure is made regarding the storage of user profiles.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a name and address database based on consumer information (column 3, lines 1-9, Pocock). The content within this database is equivalent to the claimed user profile.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

12. With regards to claim 46, Gokcen teaches through Pocock, the method wherein the offer is selected in response to history of transactions completed with the user

(Gokcen's design allows for a user to place orders through verbal commands (column 5, lines 39-68, Gokcen). The system receives the voice commands and interprets their meaning to determine the appropriate response and information (recording) to relay back to the user. For instance, Gokcen's design informs (offers) the customer selections to choose from (column 5, lines 8-19, Gokcen). No limitations are

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placed as to what type of inform-content (offers) is permissible). However, no disclosure is made regarding the storage of user history.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a name and address database based on consumer information (column 3, lines 1-9, Pocock). The content within this database is equivalent to the claimed user history.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

13. With regards to claim 47, Gokcen teaches through Pocock, a method for identifying music to a user comprising: receiving a signal including a captured sample of the music from the user; wherein the music is received by the user via radio broadcast and the captured sample includes a sample of the radio broadcast; determining from the signal a. characteristic of the captured sample; comparing the

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characteristic of the captured sample to a characteristic associated with an identity records contained in a database; and locating an identity record corresponding to the captured sample according to a result of the comparison

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). As for the captured sample coming via a radio broadcast, official notice is hereby taken that it would have been obvious to one skilled in the art, to place a telephone receiver next to a radio, to retrieve audible signals. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the

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purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

14. With regards to claim 48, Gokcen teaches through Pocock, the method wherein the music is received by the user via a radio broadcast and the captured sample includes a sample of the radio broadcast

(Gokcen discloses a design for a voice (captured sample) response unit. A voice sample is an audio sample and is equivalent to the claimed radio broadcast sample. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

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segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

15. With regards to claim 49, Gokcen teaches through Pocock, the method further including returning the identity record to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

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segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

16. With regards to claim 50, Gokcen teaches through Pocock, the method further including offering to sell to the user a recording including at least a song which corresponds to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes other songs recorded on the album, which is equivalent to the claimed song corresponding to the located identity record.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music

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related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

17. With regards to claim 51, Gokcen teaches through Pocock, the method further including offering to provide to the user information relating to the located identity record (Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music

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related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

18. With regards to claim 52, Gokcen teaches through Pocock, the method further including a step of playing a recording of a song corresponding to the located identity to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

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recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

19. With regards to claim 53, Gokcen teaches through Pocock, the method further including a step of offering to sell merchandise

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

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Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

20. With regards to claim 54, Gokcen teaches through Pocock, the method wherein the merchandise relates to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for

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advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

21. With regards to claim 55, Gokcen teaches through Pocock, the method further including a step of offering sell live performance tickets

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

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Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

22. With regards to claim 56, Gokcen teaches through Pocock, the method wherein the live performance tickets relate to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

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However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

23. With regards to claim 57, Gokcen teaches through Pocock, the method further including a step of offering sell record albums to be released at a future time

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(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

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24. With regards to claim 58, Gokcen teaches through Pocock, the method wherein the live performance tickets relate to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17; Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the

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purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

25. With regards to claim 59, Gokcen teaches through Pocock the method wherein the information further includes information pertaining to a location of retail music establishments that are in close proximity to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus Pocock's design allows for the user's location to be obtained by the service hence, means are present for the claimed trait (column 3, lines 9-35, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during

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the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

26. With regards to claim 60, Gokcen teaches through Pocock the method further including downloading media to a user device

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Since purchases and sample can be received by the user through the phone, it is obvious that media is downloadable as claimed, when a phone with Internet access is used.

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Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

27. With regards to claim 61, Gokcen teaches through Pocock, the method wherein the downloaded media includes a pre-recorded song corresponding to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned

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to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

28. With regards to claim 62, Gokcen teaches through Pocock, the method wherein the user device is selected from the group consisting of PCs, PDAs, internet access devices, wireless internet devices, mobile telephones, wireless information devices and pagers

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

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However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock). Since purchases and sample can be received by the user through the phone, it is inherent that media is downloadable as claimed, when a phone with Internet access is used. No limitation is placed as to what type of phone device is used; hence the claimed devices are acceptable.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the

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purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

29. With regards to claim 63, Gokcen teaches through Pocock, the method further including receiving commands from the user in response to the returned identity record (Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. The user is able to continue to make selections through the keypad of the phone (receiving commands from the user) in response to the service's offers and requests.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-

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demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

30. With regards to claim 64, Gokcen teaches through Pocock, the method further including performing an additional predetermined step in response to the command

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. The user is able to continue to make selections through the keypad of the phone (receiving commands from the user) in response to the service's offers and requests. In addition, the service responds to the commands sent by the user.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

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segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

31. With regards to claim 65, Gokcen teaches through Pocock, the method wherein the predetermined step includes delivering a message to a third party

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. When a user selects to make a purchase and enters the credit card information, the service communicates with a credit authorization service (equivalent to claimed delivering a message to a third party) (Figure 1, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of

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Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

32. With regards to claim 66, Gokcen teaches through Pocock, the method wherein the message includes a recommendation of music corresponding to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard (column 4, line 61 – column 5, line 17, Pocock). Hence means are present by which to search databases (communicate with third parties).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

33. With regards to claim 67, Gokcen teaches through Pocock, the method wherein the predetermined step includes a collection of data indicative of music popularity

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for

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advertisements (offers) and content other than music (column 5, lines 39-48, Pocock).

Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

34. With regards to claim 68, Gokcen teaches through Pocock, the method wherein the collected data includes data received from the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

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Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

35. With regards to claim 69, Gokcen teaches through Pocock, the method wherein the predetermined step includes playing additional songs not associated with the located identity record to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (songs not associated with the located identity record) (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the

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purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

36. With regards to claim 70, Gokcen teaches through Pocock, the method wherein the predetermined step includes locating one or more music performance artists matching a predetermined criterion

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during

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the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

37. With regards to claim 71, Gokcen teaches through Pocock, the method wherein the criterion includes similarity of the one or more music performance artists to an artist associated with the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

38. With regards to claim 72-80 Gokcen teaches through Pocock, the method wherein the predetermined step includes providing a critical review of a music performance artist associated with the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned

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to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

39. With regards to claim 81, Gokcen teaches through Pocock, the method further including storing the captured sample

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. However, Gokcen's

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design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

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40. With regards to claim 82, Gokcen teaches through Pocock, the method wherein the predetermined step includes delivering an excerpt of a recording of a song corresponding to the located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

41. With regards to claim 83, Gokcen teaches through Pocock, the method wherein the excerpt is delivered to the user

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs to the user.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the

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purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

42. With regards to claim 84, Gokcen teaches through Pocock, the method wherein the excerpt is delivered to a third party

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen).

However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user:

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). This includes playback of songs. The playback can be sent through a phone hence, a phone user such as the user or a third party is able to receive the playback.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

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segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

43. With regards to claim 85, Gokcen teaches through Pocock, a method for identifying music to a user exposed to a broadcast that includes unidentified music, comprising: receiving a signal including a captured sample of the broadcast from the user, said broadcast comprising music; determining from the signal a characteristic of the captured sample; comparing the characteristic of the captured sample to a characteristic associated with an identity record contained in a database; attempting to locate an identity record corresponding to the captured sample according to a result of the comparison; and storing the captured sample if the location attempt is unsuccessful

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. As for the captured sample comprising broadcast music, official notice is hereby taken that it would have been obvious to one skilled in the art, to place a telephone receiver next to a radio, to retrieve audible signals. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

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Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

44. With regards to claim 86, Gokcen teaches through Pocock, the method further including delivering the captured sample to remote locations

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line (hence to a remote location) and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

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Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

45. With regards to claim 87, Gokcen teaches through Pocock, the method wherein the delivered captured samples are used in games or contests involving attempts to identify the unidentified music

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). What action is taken using the sample is dependant upon the service provider. If the service

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is to be provided by a commercial radio station, it is within the scope of the art for the claimed games and contests to be applied to the captured sample. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

46. With regards to claim 88, Gokcen teaches through Pocock, a method for identifying music to a user exposed to a broadcast that includes unidentified music, comprising: receiving a signal including a captured sample of the broadcast from the user said

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broadcast comprising music; determining from the signal a characteristic of the captured sample; comparing the characteristic of the captured sample to a characteristic associated with an identity record contained in a database; attempting to locate an identity record corresponding to the captured sample according to a result of the comparison; and providing an interactive interface for the user to store manipulate data associated with a successfully located identity record

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface allows users to interface with the service and select different options as well, manipulating the data. As for the captured sample comprising broadcast music, official notice is hereby taken that it would have been obvious to one skilled in the art, to place a telephone receiver next to a radio, to retrieve audible signals. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

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recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

47. With regards to claim 89, Gokcen teaches through Pocock, the method wherein the interface is selected from the group consisting of real-time interfaces, offline interfaces, and combinations thereof

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface allows users to interface with the service and select different options as well, manipulating the data. The interface is real-time but is also able to be offline since captured voice commands must be saved. How long it is saved for is not limited within the design. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

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Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

48. With regards to claims 90, 95 and 96, Gokcen teaches through Pocock, the method wherein the offline interface is selected from the group consisting of internet browsers, email, SMS messaging and combinations thereof

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface

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allows users to interface with the service and select different options as well, manipulating the data. The interface is real-time but is also able to be offline since captured voice commands must be saved. How long it is saved for is not limited within the design. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained and returned to the user (column 2, lines 47-67, Pocock). In addition, Pocock's design allows for advertisements (offers) and content other than music (column 5, lines 39-48, Pocock). Plus, the content presented for sale can be based on a song just heard, or can be found through browsing (column 4, line 61 – column 5, line 17, Pocock). Since purchases and sample can be received by the user through the phone, it is inherent that media is downloadable as claimed, when a phone with Internet access is used. No limitation is placed as to what type of phone device is used; hence the claimed devices are acceptable.

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio

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segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

49. With regards to claim 91, Gokcen teaches through Pocock, the method wherein the interface is arranged to allow the use to store, retrieve and forward the data

(Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). For the voice command to be deciphered, it inherently must be stored. The phone interface allows users to interface with the service and select different options as well, manipulating the data. The interface is real-time but is also able to be offline since captured voice commands must be saved. How long it is saved for is not limited within the design. However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound

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recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

50. With regards to claims 92-94, Gokcen teaches through Pocock, the method wherein the interface is arranged to allow the user to communicate with third parties (Gokcen discloses a design for a voice (captured sample) response unit. The response unit receives a signal through the telephone line and after deciphering the voice command, makes an appropriate response (column 5, lines 8-68, Gokcen). What action is taken using the sample is dependant upon the service provider. If the service is to be provided by a commercial radio station, it is within the scope of the art for the claimed games and contests to be applied to the captured sample. It is also possible within the design that the user communicates with the service and a radio station that is a third party (via three way calling). However, Gokcen's design does not provide a music database, which can be searched to find a product match for the user.

Pocock teaches a design for a phone based, music and music related items purchasing design. The design allows for a user to search through songs to obtain

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desired song. Other information regarding the song can also be obtained (column 2, lines 47-67, Pocock).

Both Gokcen and Pocock teach phone based commerce designs. Gokcen's design allows for a user to make purchases by voice commands thanks to sound recognition technology while Pocock's design allows for phone-based music and music related items purchasing. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Gokcen with those of Pocock, to provide an automated transaction system to record and track radio audio segments enabling a radio listener to use their telephone to recall and preview, on-demand, music pieces previously broadcast thereby assisting the listener in the purchase of a music product such as a record album, cassette or CD (column 2, lines 34-43, Pocock)).

Response to Remarks

The amendment received on August 16, 2006 has been carefully examined but is not deemed fully persuasive. The following are the examiner's response to the applicant's remarks.

The first point of contention involves the 112-type rejection. The examiner has reviewed the applicant's arguments and has found them to be persuasive. The 112-type rejection has been withdrawn.

The second point of contention involves the alleged 102(b) rejection of claims 35-44. The examiner has reviewed the last office action and no 102(b) rejections were issued. Claims 35-44 were rejected under a 103(a) rejection.

The third point of contention involves the audible signal capture and deciphering. The claimed invention captures and determines characteristics from the captured signal. The Gokcen prior art captures and determines characteristics from spoken commands. Official notice was taken stating that since voice is captured and deciphered in Gokcen's disclosure, means for deciphering other audible signals are present. Applicant contends he is not aware of any IVR (integrated voice response) system that can identify music. First, the Gokcen prior art does not state that it teaches an IVR. Second, both voice and music are audible signals and the Gokcen prior art teaches how an audible signal is captured and deciphered. Third, as further proof that capture of voice commands is a form of audible signal and that a voice command capture system can be capable of capturing audible signals longer than simple one-syllable terms (i.e. "yes" or "no"), the examiner has already provided NPL with the previous office action. The NPL "The listening phone," teaches how speech is captured. Speech that is captured is shown to be longer than a simple one-syllable term.

The fourth point of contention involves the 103 rejection using both Gokcen and Pocock. The applicant simply titles the section, "Lack of All Claim Limitations," without clearly indicating deficiencies within each and every one of the claims and their limitations with regards to the prior arts.

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Finally the applicant contends that there is lack of motivation. The examiner has reviewed the case and deems the motivations provided sufficient.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


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